

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATE OF AMERICA, : **NOTICE OF MOTION**
- against : **TO SUPPRESS PHYSICAL**
CEDRIC FLEMMING, : **EVIDENCE AND STATEMENTS**
Defendant. : **08 CR 317 (AKH)**

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SIR OR MADAM:

PLEASE TAKE NOTICE that upon the annexed Declarations of CEDRIC FLEMMING and MARK B. GOMBINER, ESQ., the undersigned will move this Court, before the Honorable Alvin K. Hellerstein at the United States Courthouse, 500 Pearl Street, New York, New York, on a date to be determined, for an ORDER suppressing physical evidence seized from the defendant and custodial, post-arrest statements made to law enforcement authorities by the defendant, pursuant to Rule 12 of the Federal Rules of Criminal Procedure, on the grounds that the evidence and statements were obtained in violation of the defendant's rights under the United States Constitution, or, in the alternative, granting a hearing on the motion, and granting such other and further relief as appears just and proper.

Dated: New York, New York
May 16, 2008

Respectfully submitted,

LEONARD F. JOY, ESQ.
The Legal Aid Society

By:


MARK B. GOMBINER, ESQ.
Attorney for Defendant
CEDRIC FLEMMING
52 Duane Street - 10th Floor
New York, New York 10007